Directive 321.1 3/22/90

PROBATION ON INITIAL APPOINTMENT TO A SUPERVISORY OR MANAGERIAL POSITION

- I. This Directive establishes probationary periods for newly PURPOSE appointed supervisors and managers.
- II. This Directive replaces AMS Directive 321.1, dated 3/6/87. REPLACEMENT HIGHLIGHTS
- III. The authority for establishing a period of probation for AUTHORITY employees newly appointed to positions as a supervisor or manager is contained in 5 U.S.C. 3321 and 5 CFR 315.901.
- IV. A. Agency success depends greatly on the caliber of its OBJECTIVES supervisors and managers. These positions require skills OF A and abilities which cannot readily be taught or developed in OTROBATIONARY other kinds of positions.

  PERIOD
  - B. The probationary period is intended to bridge the gap between perceived potential and actual performance. It provides the Agency with an opportunity to assess the new appointee's development on the job, and return an employee to a nonsupervisory or nonmanagerial position without undue formality should circumstances warrant.
- V. A. A probationary period is required when a supervisory or POSITIONS AND managerial position is filled on a permanent basis; or when EMPLOYEES a position is filled on a temporary basis for 1 year or COVERED more when the possibility exists that the selection could be made permanent and this was made a matter of record.
  - B. Probationary period requirements are as follows:
  - 1. Positions Covered. "Supervisory" and "managerial" positions covered by this Directive are those positions at grades GS/GM-15 and below, which are so defined and officially classified under the Supervisory Grade Evaluation Guide published by the Office of Personnel Management. Designation of supervisory or managerial positions will be documented on Form AD-332 (Position Description Cover Sheet) and Form SF-50B (Notification of Personnel Action).
  - 2. Employees Covered. All persons appointed for the first time to a supervisory or managerial position in the Federal service, except as indicated in C below, must serve a probationary period.
  - 3. Length of Probationary Period. Employees shall serve a 1-year probationary period when newly appointed as a supervisor or manager, or to a position which includes both supervisory and managerial responsibilities.
  - C. Exemptions to probationary periods for supervisory or managerial positions are as follows:

- 1. Employees who have served, or were serving, in a Federal civilian supervisory or managerial position prior to August 12, 1979, are exempt from the probationary period requirement for a supervisory or managerial position.
- 2. An employee who has previous satisfactory experience and performance as a supervisor is excluded from the probationary period requirement when appointed to a managerial position.
- 3. An employee who has satisfactorily completed a previous probationary period in a managerial position is not required to serve a probationary period if appointed to a supervisory position.
- 4. No probationary period shall be required when a supervisory or managerial position is filled on a temporary basis for less than 1 year and the possibility of the selection being permanent was not made a matter of record.
- VI. OBLIGATION OF AGENCY DURING PERIOD
- A. Training. Appropriate supervisory or managerial training should be provided as quickly as possible to prepare and equip supervisors and managers for the demands of the job. For new first-line supervisors, such training should include PROBATIONARY basic supervisory skills and effective communication and interpersonal relations. In addition, an understanding of the Federal management role in general and how individual managers contribute to achieving management excellence would provide an important frame of reference for their new position.

New managers will need development aimed at providing instruction on management competencies and characteristics that their broader job responsibilities require.

B. Full and Fair Evaluation. Supervisors and managers serving a probationary period shall be given a full and fair evaluation and adequate opportunity to prove themselves. performance of probationary employees should be reviewed quarterly by the official responsible for the employee's performance evaluation, and a discussion with the employee shall be an integral part of the interim review. The results of each interim review shall be documented, using Form AD-435A, Performance Plan, Progress Review and Appraisal Worksheet (or by memorandum). This documentation shall be retained for use in preparing the final Probationary Period evaluation. A copy of the interim and final reviews shall be made available to the employee. It is important that special attention be paid to developing adequate supervisory or managerial performance elements and standards.

VII. PROCEDURES

- A. The processing personnel office shall document the probationary period on Form SF-50B. In addition, the processing personnel office will send a letter DOCUMENTATION to both the employee and his/her supervisor notifying them of the probationary period requirement.
  - Form AD-773, "Supervisory or Managerial Probationary Period Report" shall be used to record the completion or noncompletion of the probationary period.

- C. The National Finance Center will forward a Form AD-773 to the appropriate time and attendance contact point 90 days prior to the end of the probationary period. The supervisor of the probationary employee shall complete the form and forward it, through his/her supervisor (reviewing official), to the Field Personnel Services (FPS), Field Servicing Office, APHIS. The supervisor shall:
- 1. Rate all applicable responsibilities listed on the form as either satisfactory or unsatisfactory.
- 2. Attach substantive documentation for any unsatisfactory rating. Specific information to justify removal from a supervisory or managerial position must be furnished.
- 3. If performance is unsatisfactory, contact the Employee Relations Branch, Personnel (PE) Division, prior to submission of Form AD-773 to FPS.
- D. Form AD-773 may not be completed sooner than 120 days after appointment to a supervisory or managerial position, nor later than 1 month before the end of the probationary period.

VIII.

FAILURE TO

SATISFACTORILY COMPLETE
A PROBATIONARY PERIOD

- VIII. A. Unsatisfactory Performance. Satisfactory completion of the probationary period is a prerequisite to continuation in SATISFACTOR- the position.
- A PROBATION
  1. If a probationary employee's performance is unsatisfactory, after a full and fair trial period, the supervisor shall initiate action to remove the employee from that position (see Section VI, above, for an explanation of "full and fair trial period").
  - 2. The decision to demote or return a probationary employee to a nonsupervisory or nonmanagerial position under this Directive must be based on supervisory or managerial performance. The probationary period shall not be used to assess technical ability or program knowledge which is not directly related to supervisory or managerial performance.
  - 3. Demotions for other than unsatisfactory supervisory or managerial performance are considered adverse actions and shall be processed accordingly, unless the employee is also serving an initial probationary period for new employees. (See Section X.)
  - B. Position to Which Returned.
  - 1. If a probationary employee's supervisory or managerial performance is unsatisfactory, he/she shall be placed in a nonsupervisory or nonmanagerial position, as appropriate, in the employing Agency. The employee shall be returned to a position for which qualified, that is of no lower grade and pay than the position from which he/she was transferred, reassigned, or promoted.
  - 2. An employee who was appointed from an Office of Personnel Management or Examining Unit Certificate of Eligibles, or based on reinstatement on noncompetitive

eligibility, and who is not serving a probationary period for new employees (see AMS Directive 320.1, Probationary or Trial Periods for New Appointments), shall, if supervisory or managerial performance is unsatisfactory, be placed in a position for which qualified, that is equal in grade to that currently held.

- 3. Reduction-in-force procedures will not be used to determine the position to which assigned.
- C. Effect of Return on Grade and Pay. An employee demoted to a nonsupervisory or nonmanagerial position is not entitled to grade or pay retention; however, time spent at the higher grade is credited toward a within-grade increase at the lower grade.
- D. Notice to Employee.
- 1. An employee who is to be returned to a nonsupervisory or nonmanagerial position under this Directive shall be given advanced written notification by the PE Division.
  - 2. Such action will be documented on Form SF-50B.
- E. Appeals. Agency actions taken under this Directive are excluded from coverage under the administrative grievance system (see AMS Directive 346.1, Administrative Grievance System). An affected employee may appeal to the Merit Systems Protection Board only if he or she alleges that the action was based on partisan political affiliation or marital status discrimination. Other allegations of discrimination due to race, color, religion, sex, national origin, physical or mental handicap, or age in connection with an action returning an employee to a nonsupervisory or nonmanagerial position under this Directive are processed as discrimination complaints (see AMS Directive 309.5, Equal Employment Opportunity Discrimination Complaint Procedures). Final Agency action on such complaints is appealable to the Equal Employment Opportunity Commission.
- F. Effect on Subsequent Consideration. The return of an employee to a nonsupervisory or nonmanagerial position is not grounds, in and of itself, for denying the employee consideration for subsequent assignment to such a position. Position requirements along with individual abilities vary substantially. An employee who may not be suited to a particular position might be able to satisfactorily perform in another supervisory or managerial job. Each employee is entitled to be considered accordingly.
- IX.
  CREDITING
  SERVICE
  TOWARD
  COMPLETION
  OF PROBATIONARY
  PERIOD
- A. An employee serving a supervisory or managerial probationary period who is transferred, reassigned, or promoted to another supervisory or managerial position is subject to the probationary period for the new position. Service in the former position counts toward completion of the probationary period for the new position.
- B. Temporary duty (temporary appointment, promotion, reassignment for 1 year or more) as a manager or supervisor will count toward completion of the probationary period if the

provisions of Section V, A, above, are met. Service while on detail or in an acting capacity during temporary absence of the regular supervisor or manager does not count toward completion of the probationary period.

- C. Absence in a nonpay status, such as leave without pay and furlough while on the rolls (other than because of compensable injury or military duty) is creditable up to a total of 22 workdays. Nonpay time in excess of 22 workdays extends the probationary period by an equal amount. For computation purposes, 260 workdays equal 1 year.
- D. Absence (whether on or off the rolls) due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration is creditable in full.
- E. A probationary period interrupted by intervening service or a break in service (other than for cause) is creditable if all of the following conditions are met:
- 1. The employee served at least 6 consecutive months of the interrupted probationary period;
- 2. The new probationary position is substantially the same (i.e., the same line of work) as the former position requiring a probationary period;
- 3. The time since leaving the former probationary period was no more than 2 years; and
- 4. The former position was in the U.S. Department of Agriculture.
- F. When an employee is separated for cause or returned to a nonsupervisory or nonmanagerial position during the probationary period, this service does not count toward completion of a probationary period required under subsequent appointment.
- Х. TO INITIAL PERIOD

The probationary period of a newly appointed employee is RELATIONSHIP served concurrently with the probationary period for a new supervisor or manager. If, upon appointment, an employee is PROBATIONARY required to serve the 1-year probationary period for a supervisory or managerial position and the initial probationary period for a new employee, the latter takes precedence, and the employee is also subject to the provisions of AMS Directive 320.1.

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